

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES DEAN KENDRICK,

Plaintiff,

-vs-

**ORDER APPOINTING
PRO BONO COUNSEL
18-CV-6932-CJS-MJP**

JEFFREY LAFAVE, et al.,

Defendants.

On November 18, 2022, this Court authorized a limited scope appointment of *pro bono* counsel for this matter to represent the plaintiff, James Dean Kendrick, in conducting discovery of: “1. A copy of the search warrant issued on or around January 14, 2010, for a search of property located 341 Sharon Drive, Rochester, New York; 2. If the search warrant for the above-referenced property did not include a search of any vehicles on that property, then copies of any warrants on or around that same date for the search of any vehicles located on that property; 3. The identity of the individual Plaintiff contends can be heard on the 911 recording from the victim in Plaintiff's state criminal murder trial before he passed away; and 4. A copy of the inner and outer perimeter log showing who was present at the murder scene related to Plaintiff's state criminal murder trial.” (ECF No.75).

IT IS HEREBY ORDERED that Gregory L. Silverman, Esq., is assigned *pro bono*, to represent James Dean Kendrick faithfully and diligently in this case for the limited purposes described above.

IT IS FURTHER ORDERED that Gregory L. Silverman, Esq., shall provide *pro bono* representation in affiliation with JustCause, Inc.. JustCause shall support *pro bono* counsel in various ways including opening a *pro bono* case file for this matter, but will not directly serve Plaintiff. Any information obtained by JustCause about James Dean Kendrick will be considered confidential per Rule 1.6 of the New York Rules of Professional Conduct.


Gregory L. Silverman, Esq., shall receive the benefits and protections afforded to other volunteers of JustCause and shall periodically inform JustCause of the procedural status of this case. When the representation is complete, *pro bono* counsel shall inform JustCause of the total number of *pro bono* hours provided in this matter. Accordingly, JustCause shall issue New York Continuing Legal Education credits to the attorney for *pro bono* work completed, to the extent permitted under the accreditation rules.

Pro bono counsel and JustCause's responsibilities under this Order shall end with the conclusion of this *pro bono* assignment (whether through conclusion of assigned representation, withdrawal from representation (with permission from the Court), or otherwise). JustCause may also apply to the Court to terminate its responsibilities under this Order at any time, for good cause shown.

The Clerk of Court shall send a copy of this Order to Gregory L. Silverman, Esq., along with the Court's Guidelines Governing the Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel. The Chief Judge of this Court will also issue an Order directing PACER to waive its fees so that *pro bono* counsel can access all documents filed in this case. Should *pro bono* counsel be unable to access any document in this matter through PACER, upon request the Clerk of Court shall provide a the document to *pro bono* counsel at no cost. Pursuant to L.R. Civ. Pro. 83.8, in appropriate circumstances, appointed counsel may make a formal request to the presiding judge for an appointment of *pro bono* co-counsel from the Court's Senior *Pro Bono* Panel.

Pro bono counsel shall contact the plaintiff within 14 days of the issuance of this order.

IT IS SO ORDERED.



HON. MARK W. PEDERSEN
United States Magistrate Judge

Dated: February 6, 2023
Rochester, New York

01/24/2023

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Robert H. Jackson
United States Courthouse
2 Niagara Square
Buffalo, New York 14202
Phone: 716-551-1700
Fax: 716-551-1705



Kenneth B. Keating
Federal Building
100 State Street, Room 2120
Rochester, New York 14614
Phone: 585-613-4000
Fax: 585-613-4035

NOTICE OF APPOINTMENT AND ACKNOWLEDGEMENT
(LIMITED SCOPE)

1. **CASE NAME/NUMBER:**

Kendrick v. LaFave, et al., 18-cv-6932

2. **PRO SE LITIGANT (FULL NAME):**

James Dean Kendrick

3. **PRO BONO ATTORNEY (FULL NAME):**

Gregory L. Silverman, Esq.

4. **PRO BONO PROGRAM THE ATTORNEY IS AFFILIATED WITH (VLP OR JUSTCAUSE):**

Just Cause, formerly Volunteer Legal Services Project of Monroe County, Inc. ☐

5. **SCOPE OF PRO BONO ASSIGNMENT:**

Assisting plaintiff with searching for information from his state murder trial. See items 1 through 4, specified in ECF Number 75 for this case.

I, the undersigned, understand and agree that:

1. The *pro bono* attorney assigned to represent me will provide *pro bono* representation in affiliation with (hereinafter described as the "Pro Bono Program"):
Just Cause, formerly Volunteer Legal Services Project of Monroe County, Inc.
2. The *Pro Bono* Program's role is to provide support to the attorney in various ways including, but not limited to, opening an attorney/client case file for the attorney.
3. The *Pro Bono* Program does not represent me and will not provide me with any direct services.

4. The *Pro Bono* Program will treat any information obtained about me as confidential in accordance with Rule 1.6 of the New York State Rules of Professional Conduct.
5. The representation I receive from the *pro bono* attorney requires my cooperation with the *Pro Bono* Program and with the volunteer attorney.
6. The *pro bono* attorney must periodically update the *Pro Bono* Program regarding the procedural status of this case, in order to receive the benefits and protections afforded to other volunteers of the *Pro Bono* Program.
7. The *Pro Bono* Program's involvement shall terminate upon conclusion of the *pro bono* attorney's assignment (whether by completing the assignment or being removed by the Court). Alternatively, the *Pro Bono* Program may also ask the Court to terminate its involvement at any time, for good cause.
8. The *pro bono* attorney and/or the *Pro Bono* Program may ask the Court to withdraw from the *pro bono* assignment, if my income or resources exceed the eligibility guidelines. Such an application will be made pursuant to the New York Rules of Professional Conduct and applicable law.
9. The *pro bono* attorney shall, in consultation with me, determine what professional steps are appropriate to represent me.
10. The *pro bono* attorney has the right to seek and retain attorney fees and statutory costs from the opposing party, providing that my legal interests are not prejudiced by the same.
11. Should I decide to file an appeal after the conclusion of the representation, neither the *pro bono* attorney nor the *Pro Bono* Program must represent me.
12. Neither the *pro bono* attorney nor the *Pro Bono* Program is obliged to represent me in any related or unrelated proceedings or matters, outside of the scope this assignment (see "Scope of *Pro Bono* Assignment" detailed above).
13. INFORMED CONSENT FOR LIMITED SCOPE LEGAL REPRESENTATION: I, the undersigned, understand that the *pro bono* attorney who will represent me is volunteering their services to the United States District Court for the Western District of New York. I understand that the representation will not continue beyond the limited scope described above. I also understand that the *pro bono* attorney has agreed only to provide me with the services specifically described above. I understand the *pro bono* attorney may request information and documents from me in connection with this representation, and I hereby agree to answer fully and honestly. The *pro bono* attorney may rely on the information I supply to provide me legal advice and/or representation.

01/24/2023

If I do not cooperate with the *pro bono* attorney, they may ask the Court to remove them from the case. I also understand that the *Pro Bono* Program listed above supports the *pro bono* attorney but will NOT provide any direct representation for me. I hereby consent to this limited-scope representation.

By signing below, I agree to all of the terms and conditions listed above (1-13).

X James Dean Kendrick
Pro Se Litigant/Client Signature

X January 24, 2023
Date